



THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

GEORGIA PESTANA
Acting Corporation Counsel

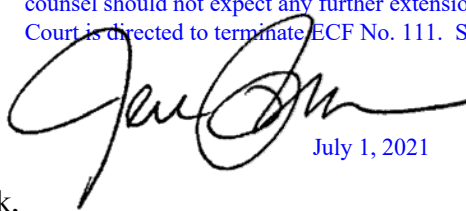
JORGE M. MARQUEZ
Senior Counsel
Phone: (212) 356-2336
Fax: (212) 356-3558
jmarquez@law.nyc.gov

July 1, 2021

VIA E.C.F.

Honorable Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 11201

Application GRANTED. Fact discovery shall be completed by **October 13, 2021**, depositions shall be completed by **October 13, 2021**, and expert discovery shall be completed by **December 10, 2021**. The pretrial conference currently scheduled for July 22, 2021 is ADJOURNED to **October 14, 2021 at 4:00 p.m.** Given the length of these extensions, counsel should not expect any further extensions to be granted. The Clerk of Court is directed to terminate ECF No. 111. SO ORDERED.



July 1, 2021

Re: Michael Nigro v. City of New York,
19 Civ. 2369 (JMF)

Your Honor:

I am a Senior Counsel in the office of Georgia Pestana, Acting Corporation Counsel of the City of New York, and the attorney representing defendant City of New York in the above referenced action. Defendant respectfully requests an extension of time to complete factual discovery in this case, from July 15, 2021, to October 13, 2021. (See E.C.F. No. 87) Relatedly, Defendant also requests to extend the deadline to complete depositions from September 10, 2021, to October 13, 2021, and expert discovery, from September 10, 2021, to December 10, 2021. (Id.) Defendant notes that this is the Defendant's first request to extend the discovery deadline, and the first discovery extension overall, and that Plaintiff's counsel, Wylie Stecklow, consents to this request.

As an initial matter, Defendant notes that the parties met and conferred on June, 2, 2021, in compliance with the Court's May 28, 2021 Order (E.C.F. No. 106) However, given the breadth of discovery issues, the parties agreed to hold a follow-up meet and confer on June 4, 2021, in order to further address the Defendant's Responses to the Plaintiff's First Set of Interrogatories and Document Demands ("First Set of Discovery Demands").¹

¹ Although Defendant provided responses to several of the Plaintiff's First Set of Discovery Demands, there are still, admittedly, responses that are outstanding. Furthermore, Plaintiff informed Defendant that

As part of the June 4, 2021 meet and confer, Senior Counsel Anthony DiSenso from the New York City Law Department's E-Discovery Division joined the meeting to help guide the attorneys in terms of the City of New York's capabilities to obtain electronic information potentially responsive to the Plaintiff's First Discovery Demands. Unfortunately for all counsel, that very same weekend is when the New York City Law Department suffered an unauthorized breach of access in its electronic systems that resulted in attorneys (such as the undersigned) being incapable of accessing case files. In addition, the New York City Police Department's Civil Litigation Unit ("C.L.U."), which is primarily responsible for obtaining documents from the N.Y.P.D., was similarly affected by the breach.

During the first two weeks of June, virtually all attorneys from the New York City Law Department did not have any access to e-files, whether offsite or onsite. As of today, July 1, 2021, practically all attorneys from the New York City Law Department still do not have remote access to electronic files, though remote e-mail access and on-site e-file access has been restored for many attorneys. Complicating the situation even further, however, are the ongoing restrictions related to COVID-19 that prevent many attorneys, including the undersigned, from appearing on-site on a regular basis so as to access e-files. In other words, a compound effect between the unauthorized access and COVID-19 restrictions has resulted in an unanticipated and extensive delay by the undersigned to move this and other cases forward. While it is currently unknown when this problem will be resolved, Defendant is hopeful that e-file access will be restored in the coming weeks.

Lastly, the undersigned notes that he will be on vacation, outside the country, from July 8, 2021, and will return to the office on July 26, 2021. Defendant further notes that Plaintiff's counsel, Wylie Stecklow, will also be on vacation around this period, though working on some days and on a limited capacity. As a result, Defendant also requests to adjourn the pretrial conference presently scheduled for July 22, 2021, at 3:00 p.m. to another date in August that is convenient to the Court. Plaintiff's counsel also consents to this request.

Accordingly, Defendant respectfully requests that the Court grant this motion for extension of time to complete fact discovery to October 13, 2021, depositions by October 13, 2021, and expert discovery, by December 10, 2021.

Respectfully submitted,

Jorge Marquez /S/
Jorge M. Marquez
Senior Counsel

cc: VIA E.C.F.
All counsel of record

a second set of discovery demands would be forthcoming relatively soon. Consequently, more time is needed to respond to the Plaintiff's First Set of Discovery Demands and, foreseeably, the Plaintiff's second set of discovery demands before a multitude of depositions can be held. Defendant notes that the parties agreed to hold some depositions in the month of August that may be independent from the Defendant's responses to the Plaintiff's discovery demands that are still outstanding.